

FIRST REGULAR SESSION

HOUSE BILL NO. 295

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SPENCER (Sponsor), PARKINSON, GATSCHENBERGER,
REIBOLDT, SHULL, MORRIS AND MILLER (Co-sponsors).

0709L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.530, 163.021, and 163.410, RSMo, and to enact in lieu thereof two new sections relating to school funding.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.530, 163.021, and 163.410, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 160.530 and 163.021, to read as follows:

160.530. 1. [Beginning with fiscal year 1994 and for all fiscal years thereafter, in order
2 to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate
3 one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons,
4 to the professional development committee of the district as established in subdivision (1) of
5 subsection 4 of section 168.400. Of the moneys allocated to the professional development
6 committee in any fiscal year as specified by this subsection, seventy-five percent of such funds
7 shall be spent in the same fiscal year for purposes determined by the professional development
8 committee after consultation with the administrators of the school district and approved by the
9 local board of education as meeting the objectives of a school improvement plan of the district
10 that has been developed by the local board. Moneys expended for staff training pursuant to any
11 provisions of this act shall not be considered in determining the requirements for school districts
12 imposed by this subsection.

13 2.] Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million
14 dollars shall be distributed by the commissioner of education to address statewide areas of
15 critical need for learning and development, provided that such disbursements are approved by
16 the joint committee on education as provided in subsection [5] 4 of this section, and as

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 determined by rule and regulation of the state board of education with the advice of the
18 commission established by section 160.510 and the advisory council provided by subsection 1
19 of section 168.015. The moneys described in this subsection may be distributed by the
20 commissioner of education to colleges, universities, private associations, professional education
21 associations, statewide associations organized for the benefit of members of boards of education,
22 public elementary and secondary schools, and other associations and organizations that provide
23 professional development opportunities for teachers, administrators, family literacy personnel
24 and boards of education for the purpose of addressing statewide areas of critical need, provided
25 that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys.
26 "Statewide areas of critical need for learning and development" shall include:

27 (1) Funding the operation of state management teams in districts with academically
28 deficient schools and providing resources specified by the management team as needed in such
29 districts;

30 (2) Funding for grants to districts, upon application to the department of elementary and
31 secondary education, for resources identified as necessary by the district, for those districts which
32 are failing to achieve assessment standards;

33 (3) Funding for family literacy programs;

34 (4) Ensuring that all children, especially children at risk, children with special needs, and
35 gifted students are successful in school;

36 (5) Increasing parental involvement in the education of their children;

37 (6) Providing information which will assist public school administrators and teachers
38 in understanding the process of site-based decision making;

39 (7) Implementing recommended curriculum frameworks as outlined in section 160.514;

40 (8) Training in new assessment techniques for students;

41 (9) Cooperating with law enforcement authorities to expand successful antidrug
42 programs for students;

43 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
44 prevention;

45 (11) Implementing and promoting programs to combat gang activity in urban areas of
46 the state;

47 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
48 state services for children and families;

49 (13) Expanding adult literacy services; and

50 (14) Training of members of boards of education in the areas deemed important for the
51 training of effective board members as determined by the state board of education.

52 [3.] 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million
53 dollars of the moneys appropriated to the department of elementary and secondary education
54 otherwise distributed to the public schools of the state pursuant to the provisions of section
55 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board
56 of education, by rule and regulation, for the "Success Leads to Success" grant program, which
57 is hereby created. The purpose of the success leads to success grant program shall be to
58 recognize, disseminate and exchange information about the best professional teaching practices
59 and programs in the state that address student needs, and to encourage the staffs of schools with
60 these practices and programs to develop school-to-school networks to share these practices and
61 programs.

62 [4.] 3. The department shall include a listing of all expenditures under this section in the
63 annual budget documentation presented to the governor and general assembly.

64 [5.] 4. Prior to distributing any funds under subsection [2] 1 of this section, the
65 commissioner of education shall appear before the joint committee on education and present a
66 proposed delineation of the programs to be funded under the provisions of subsection [2] 1 of
67 this section. The joint committee shall review all proposed spending under subsection [2] 1 of
68 this section and shall affirm, by a majority vote of all members serving on the committee, the
69 spending proposal of the commissioner prior to any disbursement of funds under subsection [2]
70 1 of this section.

71 [6.] 5. If any provision of subdivision (11) of subsection 4 of section 160.254 or any
72 provision of subsection [2] 1 or [5] 4 of this section regarding approval of disbursements by the
73 joint committee on education is held to be invalid for any reason, then such decision shall
74 invalidate subsection [2] 1 of this section in its entirety.

163.021. 1. A school district shall receive state aid for its education program only if it:
2 (1) Provides for a minimum of one hundred seventy-four days and one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one
5 hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a
6 term for kindergarten pupils. If any school is dismissed because of inclement weather after
7 school has been in session for three hours, that day shall count as a school day including
8 afternoon session kindergarten students. When the aggregate hours lost in a term due to
9 inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day
11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033;

13 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
14 required by the state board of education, which shall include the preparation of a financial
15 statement which shall be submitted to the state board of education the same as required by the
16 provisions of section 165.111 for districts;

17 (3) Levies an operating levy for school purposes of not less than one dollar and
18 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
19 valuation of the district;

20 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
21 as modified by section 171.031. Whenever there has existed within the district an infectious
22 disease, contagion, epidemic, plague or similar condition whereby the school attendance is
23 substantially reduced for an extended period in any school year, the apportionment of school
24 funds and all other distribution of school moneys shall be made on the basis of the school year
25 next preceding the year in which such condition existed.

26 2. For the 2006-07 school year and thereafter, no school district shall receive more state
27 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
28 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
29 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
30 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
31 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
32 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
33 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the
34 minimum tax rate otherwise required under this subsection shall not be construed to be in
35 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of
36 article X of the state constitution, a school district may levy the operating levy for school
37 purposes required by this subsection less all adjustments required pursuant to article X, section
38 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
39 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
40 district is guaranteed to receive an amount not less than the amount the school district received
41 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
42 to any school district located in a county of the second classification which has a nuclear power
43 plant located in such district or to any school district located in a county of the third classification
44 which has an electric power generation unit with a rated generating capacity of more than one
45 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
46 except that such school districts may levy for current school purposes and capital projects an
47 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
48 pursuant to article X, section 22 of the Missouri Constitution.

49 3. No school district shall receive more state aid, as calculated in section 163.031, for
50 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
51 school year 1993-94, if the state board of education determines that the district was not in
52 compliance in the preceding school year with the requirements of section 163.172, until such
53 time as the board determines that the district is again in compliance with the requirements of
54 section 163.172.

55 4. [No school district shall receive state aid, pursuant to section 163.031, if such district
56 was not in compliance, during the preceding school year, with the requirement, established
57 pursuant to section 160.530 to allocate revenue to the professional development committee of
58 the district.

59 5.] No school district shall receive more state aid, as calculated in subsections 1 and 2
60 of section 163.031, for its education program, exclusive of categorical add-ons, than it received
61 per weighted average daily attendance for the school year 2005-06 from the foundation formula,
62 line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
63 amounts, if the district did not comply in the preceding school year with the requirements of
64 subsection 6 of section 163.031.

65 [6.] 5. Any school district that levies an operating levy for school purposes that is less
66 than the performance levy, as such term is defined in section 163.011, shall provide written
67 notice to the department of elementary and secondary education asserting that the district is
68 providing an adequate education to the students of such district. If a school district asserts that
69 it is not providing an adequate education to its students, such inadequacy shall be deemed to be
70 a result of insufficient local effort. The provisions of this subsection shall not apply to any
71 special district established under sections 162.815 to 162.940.

2 [163.410. 1. Notwithstanding the provisions of section 163.021, in fiscal
3 years 2011, 2012, and 2013, if the appropriation for subsections 1 and 2 of
4 section 163.031 is less than the annualized calculation of the amount needed for
5 the phase-in required under subsection 4 of section 163.031 for that fiscal year
6 or the appropriation for transportation as provided in subsection 3 of section
7 163.031 is funded at a level that provides less than seventy-five percent of
8 allowable costs, school districts shall be excused from compliance with:

9 (1) Spending funds for professional development as required under
10 subsection 1 of section 160.530; and

11 (2) The fund placement and expenditure requirements of subsection 6 of
12 section 163.031.

13 2. If the governor withholds funds for the school funding formula basic
14 apportionment under section 163.031, in fiscal years 2011, 2012, and 2013,
15 school districts shall be excused from compliance with the statutes listed in
subsection 1 of this section in the following fiscal year.]

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